

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

KATRINA READY,

Plaintiff,

V.

Civil Action No. 2:07-cv-00618-WHA-WC

**UNITED STATES OF AMERICA,
BUREAU OF PRISONS; SUSAN
ROBERTS, WARDEN OF ELMORE
COUNTY JAIL,**

Defendants.

MOTION TO EXCUSE APPEARANCE WITH COUNSEL
AT HEARING AND RESPONSE TO ORDER OF JULY 5, 2007

COMES NOW Susan Roberts, Defendant in the above-styled cause, and submits this Motion and Response to the Court's Order dated July 5, 2007. As grounds for so moving, Defendant states as follows:

1. On July 5, 2007, this Court ordered that Susan Roberts and “counsel for defendant Susan Roberts” attend a hearing set for 2:00 p.m. on July 10, 2007 before the Honorable W. Harold Albritton, III.

2. Defendant Susan Roberts does not have the resources to retain an attorney on such short notice, and undersigned counsel is appearing for the purpose of filing this Motion and Response, *pro bono*.

3. Attorney for the Petitioner, Benjamin E. Pool, does not intend to call Defendant Susan Roberts as a witness at the above-referenced hearing nor does he think it is necessary for her to attend this hearing.

4. Defendant Susan Roberts does not have a position in this matter regarding whether inmate Katrina Dresher Ready should be released from incarceration or returned from the Elmore County Jail.

5. Defendant Susan Roberts, the second-in-command at the Elmore County Jail, is, at best, only a custodian of Ms. Ready pursuant to a contract with the United States Bureau of Prisons.

6. While Sheriff Bill Franklin is technically the custodian of inmate Katrina Dresher Ready (while Ready is incarcerated at the Elmore County Jail), as of 1:00 p.m. on July 10, 2007, the Bureau of Prisons will be picking up Ms. Ready and taking her to this hearing. As such, at the hearing in question, the Bureau of Prisons will be the custodian of Ms. Ready. At most, Defendant Susan Roberts would only be the custodian of Ms. Ready at such time this Court may Order her back to the Elmore County Jail.

7. Defendant Susan Roberts is not a party to any contract between the United States Bureau of Prisons and Sheriff Bill Franklin.

WHEREFORE, PREMISES CONSIDERED, Defendant Susan Roberts respectfully requests that this Honorable Court excuse the appearance of her and responds to this Court's Order dated July 5, 2007.

Respectfully submitted this 9th day of July, 2007.

s/C. Richard Hill, Jr.
C. RICHARD HILL, JR. (Bar No. HIL045)
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CERTIFICATE OF SERVICE

I hereby certify that on this the 9th day of July, 2007, I have electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will provide notice to the following CM/ECF participant: **Benjamin E. Pool, Esquire.**

s/C. Richard Hill, Jr.
OF COUNSEL